

AF 27W

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Large Entity)**

Docket No.
ITL.0681

In Re Application Of: Wah Yiu Kwong et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/020,701	December 12, 2001	Ronald Baum	21906	2136	9547

Invention: Providing a User Input Interface Prior to Initiation of an Operating System



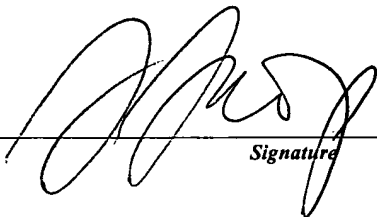
COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated September 1, 2005 finally rejecting Claim(s) 1-25.

The fee for this Notice of Appeal is: \$500.00

- ☒ A check in the amount of the fee is enclosed.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 20-1504
- ☐ Payment by credit card. Form PTO-2038 is attached.

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Signature

Dated: September 20, 2005

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September 20, 2005

(Date)



Signature of Person Mailing Correspondence

Cynthia L. Hayden

Typed or Printed Name of Person Mailing Correspondence

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Doc Code: AP.PRE.REQ



PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

ITL.0681US (P12999)

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on September 20, 2005

Signature

Cynthia L. Hayden

Typed or printed name

Cynthia L. Hayden

Application Number

10/020,701

Filed

December 12, 2001

First Named Inventor

Wah Yiu Kwong et al.

Art Unit

2136

Examiner

Ronald Baum

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 28,994

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Timothy N. Trop

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(713) 468-8880

Telephone number

September 20, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐

*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Wah Yiu Kwong et al.

Serial No.: 10/020,701

Filed: December 12, 2001

For: Providing a User Input
Interface Prior to Initiation
of an Operating System

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Art Unit: 2136

Examiner: Ronald Baum

Docket: ITL.0681US
P12999

Assignee: Intel Corporation

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT IN SUPPORT OF PRE-APPEAL REVIEW

Sir:

In support of pre-appeal review, the following statement is provided.

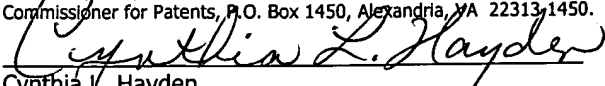
In the prior office action, nothing but vague and indefinite assertions were made. There is no basis whatsoever for the rejection. *Inter alia*, some 200 lines of the reference and several figures are cited. Virtually the entire reference is thrown at the Applicant with the suggestion that somewhere and somehow, undefined, the reference anticipates.

The claim is very clear and very simple. It calls for displaying a user interface prior to booting of a processor-based system. The most careful review possible under the circumstances suggests that there is nothing to support the rejection within the cited reference.

These perceived deficiencies were pointed out in the first response. Rather than responding by pointing out where the alleged features are in the cited reference, the next office action has nothing but unrequested assertions about claim construction. The response to amendment (page 9) states:

Date of Deposit: September 20, 2005

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Cynthia L. Hayden

‘... The examiner broadly interprets the applicants’ use of the phrase display a graphical user interface before the system boots and it must do so in response to detection of the user input’ as a ‘non-specific type of interactive event encompassing anything from physical interaction (not necessarily co-located with the appliance per se), to a user to virtual GUI interaction (such as a network/operating system detected event) in order to initiate a “boot” of system software, of which the appliance firmware, post-interactive set up, would clearly encompass.’


It is respectfully submitted that these assertions are meaningless. The office action goes on to state that “Nowhere in the claim language does the recitation of a requirement for an explicit claiming of the differentiation aspect of the various types ‘... operating system [i.e., software or firmware; volatile RAM or non-volatile RAM based]) appear, just the broad ‘... operating system’ and input/detection of user input via an interactive user interface per se.” Again, these assertions are meaningless. The claim has nothing to do with software, firmware, volatile RAM, or non-volatile RAM. The assertion of a “differentiation aspect” makes no sense and is merely obfuscation.

Finally, rather than suggesting where support for the rejection might be found, the Examiner simply states that “the various Iggulden configuration interactions, as being broadly interpreted by the examiner, as per the claim language would, therefore, be applicable in the rejection, such that the rejection support references collectively encompass the said claim limitations in their entirety.” Again, the rejection fails to point out anything which shows where some user input is possible prior to the booting of the processor-based system using a user interface that is displayed. This is simple language and, if it is in the reference, there is no reason not to point it out. The assertions of claim construction make no sense, and fail to address the issue presented which is where the reference supports the rejection. The assertions of broad construction are completely unsupported and it is respectfully submitted totally without any basis in law, fact, or logic.

Thus, it is respectfully requested that the appeal review panel overturn the rejection.

Respectfully submitted,

Date: September 15, 2005



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